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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/282,145	03/31/1999	GERD SCHOENWOLF	P98.2881	8232

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EXAMINER

CORRIELUS, JEAN M

ART UNIT PAPER NUMBER

2172

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/282,145

Applicant(s)

SCHOENWOLF ET AL.

Examiner

Jean M Corrielus

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3 is/are allowed.
- 6) ☒ Claim(s) 1,2,4-13 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 18) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____.

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DETAILED ACTION

1. This office action is in response to the amendment filed on 19 June 2002 (paper no.12) in which claim 1, is amended. Claims 1-13 and 16 are presented for further examination.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 19819205.3, filed on 04/29/1998, which papers have been placed of record in the file.

Claim Rejections - 35 U.S.C. § 112

4. Claims 1-13 and 16 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 1 recites "so that a current set of the persistent data is stored in one of the storage units and a preceding set of the persistent data is stored in another of the storage units".

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This added limitation is not supported by the specification. Applicants are advised to cancel this limitation from the claim or amend the specification to include the aforementioned limitation.

Claim Rejections - 35 U.S.C. § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-2, 4-13 and 16 as best understood by the examiner are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al US Patent no.6,301,582.

As to claim 1, Johnson discloses "a database for storing persistent data" as a two level storage system persistent data (col.2, lines 17-18); "a buffer into which is written all data to be permanently stored"(as a shared persistent virtual storage (item 190) which includes a virtual storage manager

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(item 208); virtual address translator (item 210), wherein said virtual address (201) comprises a hasher, hash table and a lookaside buffers; page cache (item 212); and pager (item 214) (see fig.2); “a permanent memory connected to the buffer, the permanent memory having at least two storage areas in each of which all permanent data from the buffer is stored” as a data storage (206) connected to the shared persistent virtual storage (item 190) having at least two storage area ((Backing store)1 and (Backing store)2) into which the persistent data is alternately written (see fig.2), each storage (Backing store) unit being structured to store a complete permanent configuration for a characteristic (hasher, page cache, pager). The lookaside buffer disclosed by Johnson does not directly connected to the permanent memory (data storage item 206 of fig.6). However, such a data storage is connected to the share persistent virtual storage (item 190 of fig.2), which contains a lookaside buffer. Such lookaside buffer is connected to the data storage through the use of the shared persistent virtual storage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Johnson’ system, wherein the lookaside buffer provided therein (see Johnson’s fig.2) would directly connected to the data storage. One having ordinary skill in the art would have been motivated to directly connect the data storage into the lookaside buffer in order to facilitate faster access.

As to claim 2, Johnson discloses the claimed “wherein the data base further comprises a control mechanism within a first application process for management of a first memory controls writing of the data to be persistently stored into the buffer, the data being generated or modified by

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the first application process alone or also by other application, processes running simultaneously with the first application” (col.7, lines 10-32).

As to claims 4-7, Johnson substantially discloses the invention as claimed, including the recited “wherein all of the persistent data stored in the buffer is alternately written into one of the storage units or storage areas of the permanent memory” (col.2, lines 18-24).

As to claim 8, Johnson discloses the claimed “wherein only the persistent data, if necessary including reconstruction data, is transferred into the buffer from a first memory which contains a run-time program and associated permanent data” (col.2, lines 30-33).

As to claim 9, Johnson discloses the claimed “wherein the persistent data is stored in a space-saving manner as a data sequence in the buffer and in the permanent memory” (col.5, lines 1-4).

As to claims 10-12, Johnson substantially discloses the invention as claimed including the recited “permanent memory is provided for a start program and application software including database management software, with use of which configuration data to be written into the first memory is automatically reconstructed from the persistent data stored in the permanent memory” (col.6, lines 19-27).

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As to claim 13, Johnson does not explicitly disclose a loadable Flash Erasable Programmable Read Only Memory chip. It would have been obvious to one having ordinary skill in the art at the time the invention was made to implement Johnson's system, including a loadable Flash Erasable Programmable Read Only Memory chip. This motivation would have been to allow Johnson's permanent memory to stay stable for long periods without electricity while still allowing reprogramming.

As to claim 16, Johnson discloses the claimed "wherein a number of configuration changes are only performed at a data management side and thereafter at least one of a functional and a hardware change comprising all configuration changes is performed in the terminal" as a means wherein Java compiler compiles programs written in Java which is platform independent commands that can be interpreted and run by JVM, which must be implemented for each platform on which the Java program must be run (col.7, lines 65-col.8, line 6).

Allowable Subject Matter

7. Claim 3 is allowable over the prior art made of record.

Remark

(A). Applicants asserted that Johnson does not suggest alternately writing data at least two different storage units so that a current set of the persistent data is stored in one of the storage units and a preceding set of the persistent data is stored in another of the storage units, wherein each

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storage unit stores a complete permanent configuration. It is important to note that the limitations that the applicants are relied upon are supported by the specification. Each limitation of the claim must describe in the drawing or in the preferred embodiments of the invention. Since applicants fail to show how the language of the claim describes in the specification, the aforementioned assertion is, therefore, moot.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or early communication from the Examiner should be directed to **Jean M. Corrielus** whose telephone number is (703)306-3035. The Examiner can normally be reached on Tuesday-Friday from 7:00am to 5:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu, can be reached on Monday-Friday from 9:00 a.m.-6:00 p.m. at (703)305-4393.

Any response to this action should be mailed to: Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to: (703) 746-7239, (for formal communications intended for entry)

Or: (703)3746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT") Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-9600.

A handwritten signature in black ink, appearing to read 'J. Corrielus', with a stylized flourish at the end.

Jean M. Corrielus

Patent Examiner

October 17, 2002